

August 17, 2001

MEMORANDUM TO: Martin J. Virgilio, Director
Office of Nuclear Material Safety and Safeguards

Ellis W. Merschoff, Regional Administrator
Region IV

Stuart Treby, Assistant General Counsel
for Rulemaking and Fuel Cycle, OGC

Richard H. Wessman, Director
Incidence Response Operations

FROM: Paul H. Lohaus, Director */RA/*
Office of State and Tribal Programs

SUBJECT: NRC COMPLETENESS REVIEW OF DRAFT UTAH
AGREEMENT STATE AMENDMENT APPLICATION

The Division of Radiation Control, Utah Department of Environmental Quality, plans to submit a draft Agreement State amendment application for uranium milling in early October 2001. The amendment would add the authority to regulate 11e.(2) byproduct material and the facilities that generate such materials.

We plan to follow the streamlined process in the Office of State and Tribal Programs Procedure SA-700 for reviewing the Utah amendment request. This process was used in the review of the Oklahoma Agreement. The first step will be a completeness review performed within 60 days of receipt to determine whether the Utah request contains all the essential parts and does not contain any obvious fatal flaws that would prevent staff from completing a detailed review against the criteria for an amended agreement for uranium milling. The completeness review would be performed by a team, and I am asking that you identify a representative from your Office who could serve on this review team. I would also appreciate your identifying the lead management contact in your Office who, if necessary, can help provide management oversight for the review. I would appreciate a response by September 17, 2001.

To perform the completeness review, the team would need to meet for one week at a single location. Prior to the meeting, a copy of the draft application would be provided to each team member for review. We will secure a dedicated conference room for the team to conduct work and deliberations. The team's product would be a response to Utah either indicating the application is complete and ready for formal submittal by the Governor, or identifying areas in the application where additional information is needed. (A response letter to Utah would be circulated for Office concurrence). Based on our previous experience, I believe that the team should be able to complete a review within 4-5 weeks (2 weeks for each team member to

review their assigned area of responsibility, one week for a team meeting to prepare the review team's product, and 1-2 weeks for concurrence).

The basis for the completeness review is the Commission Statement of Policy: "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption by States through Agreement," "Statement of Principles and Policy for the Agreement State Program," and "Policy Statement on Adequacy and Compatibility of Agreement State Programs."

Utah plans to adopt the uranium milling regulations by reference. Utah currently has regulations covering Radiation Management, equivalent to 10 CFR Part 20 and the other NRC regulations for source, 11e.(1) byproduct material, and limited quantities of special nuclear material. The draft amendment application will not contain their proposed regulations or legislation. Utah will submit draft legislation for NRC review either as part of the draft application or as a separate submittal. If submitted separately, the legislative review and response to Utah would be handled separately from the completeness review of their draft application. The draft legislation will be submitted to the Utah legislature in early 2002.

Once team members are identified, Dennis Sollenberger, Project Manager for the Utah Agreement amendment, will coordinate arrangements for the completeness review team meeting.

Mr. Sollenberger's telephone number is 415-2819 and email address is DMS4.

If you have any questions, please contact me or Dennis Sollenberger.

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